

REMARKS

Claims 8-10, 16, 18, 33, and 36 are presently pending. Claims 8, 10, 16, 18, and 36 have been amended pursuant to 37 CFR§1.116 and Claims 6, 11, 13-15, 19-21, 25-26, 28, 33, 35, and 37-42 have been cancel in the present response. No new matter has been added. Reconsideration of the pending Claims is respectfully requested in view of the amendments to the Claims and the following remarks.

The 35 U.S.C. §103(a) Claim Rejections

Claims 6, 8-11, 13-16, 18-21, 25-26, 28, 32-33 and 39-41 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of U.S. Patent Publication No. 2001/0049641 to Nakamura et al. (hereinafter "Nakamura"), U.S. Patent Publication No. 2005/0044191 to Kamada et al. (hereinafter "Kamada"), and U.S. Patent Publication No. 2004/0015965 to Sparks (hereinafter "Sparks").¹ In addition, Claim 42 was rejected pursuant to 35 U.S.C. §103(a) as obvious in view of the combination of Kamada and Nakamura.²

¹ Page 2, Item 3, of the office action indicates Claims 6, 8-11, 13-16, 18-21, 25-26, 28, 32-33 and 39-41 were rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Sparks and U.S. Patent No. 7,080,051 to Crawford, however, the details of the rejections indicated the rejections are based on the combination of Nakamura, Kamada and Sparks. In the present response, Applicant has responded based on the rejections in view of the combination of Nakamura, Kamada, and Sparks, and respectfully requests another non-final office action if the basis of the rejection differs from this assumption.

² Page 19, Item 26, indicates the rejection of Claim 42 is based on Kamada and U.S. Patent Publication No. 2004/0198308 to Hurst et al., however the details of the rejection rely on Kamada and Nakamura. In the present response, Applicant has responded based on the rejection in view of the combination of Kamada and Nakamura, and respectfully requests another non-final office action if the basis of the rejection differs from this assumption.

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Claims 8, 10, 16, 18, and 36 have been amended to independent form pursuant to 37 CFR§1.116 (b)(2) in order to present these Claims in better form for appeal. In addition, and Claims 6, 11, 13-15, 19-21, 25-26, 28, 33, 35, and 37-42 have been cancel pursuant to 37 CFR§1.116(b)(1). Entry of the amendments to place the claims in better form for appeal is respectfully requested.

Applicant respectfully traverses the rejections of Claims 8-10, 16, 18, 33, and 36 since each and every limitation included in these Claims are not taught, suggested, or disclosed by the cited references, either alone or in combination.

Claims 8 and 9

Claim 8 describes that said processor determines whether a size of a free space of said content storage means is equal to, or greater than, a data size of said contents stored in said means for temporarily storing data, and in response to said size of said free space of said content storage means being equal to, or greater than, said data size of said contents stored in said means for temporarily storing data, said processor writes said contents processed or executed by said processor in said content storage means after reading said contents from said means for temporarily storing data. On page 6, item 5, of the office action mailed April 15, 2009, it was asserted that Claim 8 was obvious because "Nakamura discloses regular music data is registered in empty space in RAM 64 from RAM 63 (par. 0087) and Kamada discloses writing application data to local storage if there is enough space or

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deleting data when there is not enough space in order to make space for new application data (pars. 0226, 0277-278, 0294)."

However, in sharp contrast to Claim 8, neither Nakamura nor Kamada teach or suggest a processor that determines whether a size of a free space of said content storage means is equal to, or greater than, a data size of said contents stored in said means for temporarily storing data as described in Claim 8. Instead, Nakamura is wholly silent regarding any form of determination in this regard, and the cited portions of Kamada simply describes that a user can manually delete an application if the local storage is full of data using an "organization of MY MENU" in "MY MENU." (paragraphs [0214] and [0226], and Fig. 15A)

Moreover, dependent Claim 9 describes in response to said size of said free space of said content storage means being smaller than said data size of said contents stored in said means for temporarily storing data, said processor prompts a user to delete one or more other contents stored in said content storage means, and when, in response to said prompt, a command is received via said means for receiving a request command from a user to delete said one or more other contents stored in said content storage means, said processor determines if, after deletion of said one or more other contents, said free space of said content storage means will be equal to, or greater than, said data size of said contents, and said processor provides indication thereof to the user. On page 7, item 6, of the office action mailed April 15, 2009, the same citations of Nakamura and Kamada were

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duplicated as the basis for the rejection of Claim 9. Applicant respectfully traverses these rejections at least because neither Nakamura or Kamada teach or suggest any form of prompt to a user, or a processor that determines if, after deletion of said one or more other contents, said free space of said content storage means will be equal to, or greater than, said data size of said contents, and said processor provides indication thereof to the user as described in Claim 9. To the contrary, both Nakamura and Kamada are wholly silent regarding such prompts, such a determination, or provision of such an indication.

Claim 10

Claim 10 describes said processor, in accordance with said storage control information associated with said contents being indicative that said contents should remain stored in said communication device, and in response to receipt of a store command initiated by said user with said means for receiving a request command from a user, reads said contents from said means for temporarily storing data, and writes said contents in said content storage means, and said processor deletes said contents that were stored in said means for temporarily storing data when said processor exits said contents that were being processed or executed by said processor. On pages 7 and 8, item 7, of the office action mailed April 15, 2009, Claim 10 was rejected as obvious in view of the combination of Nakamura, Kamada, and Sparks. Specifically, it was asserted in the office action that Nakamura and

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Sparks disclosed the above-described limitations. Applicant respectfully traverses these assertions since neither Nakamura, Kamada nor Sparks, either alone or in combination teach or suggest a processor that reads said contents from said means for temporarily storing data, and writes said contents in said content storage means, and said processor deletes said contents that were stored in said means for temporarily storing data when said processor exits said contents that were being processed or executed by said processor. Instead, the cited portions of Nakamura simply describe erasing data from a header of trial music data, and Sparks simply describes deletion of files from a temporary directory without any indication of when such files are deleted. In sharp contrast, Claim 10 describes a processor that reads said contents from said means for temporarily storing data, and writes said contents in said content storage means, and also deletes said contents that were stored in said means for temporarily storing data when said processor exits said contents that were being processed or executed by said processor.

Claims 16 and 33

Claim 16 describes that the processor stores the temporarily stored content in the second storage area in response to indication in the storage control information that the temporarily stored content is storable in the second storage area and a user command, received from an operation input unit, that directs storage of the temporarily stored content, and the processor exits and automatically deletes the

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temporarily stored content in response of a user command to cease execution or processing of the temporarily stored content in the absence of an indication in the storage control information that the temporarily stored content is eligible for storage in the second storage area.

Applicant respectfully traverses the rejection of Claim 16 based on the assertions on page 12 of the office action mailed April 15, 2009, because none of Nakamura, Kamada, or Sparks teach or suggest a processor that exits and automatically deletes the temporarily stored content in response to receipt of a user command to cease execution or processing of the temporarily stored content in the absence of an indication in the storage control information that the temporarily stored content is eligible for storage in the second storage area. To the contrary, Nakamura, Kamada, or Sparks are wholly silent regarding any form of indication in the storage control information that the temporarily stored content is eligible for storage in any form of second storage area. Instead, Nakamura describes conversion of trial listening music data to regular music data by deletion of header information indicating the data is for trial (paragraph [0101]), Kamada describes manual deletion by a user (paragraph [0226]), and Sparks describes only a temporarily stored middleware demonstration program (paragraph [0012]).

Moreover, dependent Claim 33 describes said processor, prior to exit and automatic deletion of said temporarily stored content, prompts said user to store said content in said second storage area only in response to an indication in said

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content storage information that said content is indicated as storable long term in said communication device. Nakamura, Kamada, and Sparks, on the other hand, are wholly silent regarding any form of prompts, and thus cannot possibly teach or suggest a processor that prompts a user...only in response to an indication in said content storage information that said content is indicated as storable long term in said communication device as described in Claim 33.

Claim 18

Claim 18 describes that the first storage area is a cache area of the memory, and the processor deletes data from the second storage area only in response to receipt of a user command to delete from the second storage area. On pages 12 and 13, item 10, it was asserted that Nakamura describes such limitations. Applicant respectfully traverses these assertions since the cited portions of Nakamura explicitly describe deletion from RAM 63, which is "interpreted to correspond to a cache memory area where trial music data is deleted from RAM 63 after it has been executed by processor a predetermined number of times," and thus RAM 63 cannot possibly also be a second storage area configured for longer term storage of data as has been asserted in the office action.

Claim 36

Claim 36 describes code executed as a second writing process to read said contents from said means for temporarily storing content and write said contents in said content storage means, wherein said second writing process is only executed in response to an indication included in said storage control information that said contents are storable in said content storage means, and a store command received from said means for receiving a command manually input by a user, said store command being a command manually input by said user to direct storage of said contents that have been processed or executed in said content using process, and said second writing process is further executed to await receipt of said store command from said user of said communication device before being executed to write said contents in said content storage means after said contents are read from said means for temporarily storing content.

Contrary to the assertions on pages 16 and 17, item 20 of the office action, none of Nakamura, Kamada and Sparks teach or suggest a second writing process that is further executed to await receipt of said store command from said user of said communication device before being executed to write said contents in said content storage means after said contents are read from said means for temporarily storing content. Nakamura, Kamada and Sparks are wholly silent regarding a writing process awaiting any form of command from said user of said

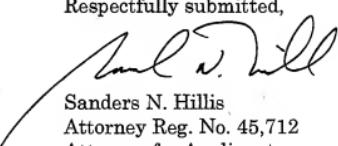
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communication device before being executed to write said contents in said content storage means after said contents are read from said means for temporarily storing content.

In view of the amendments to the claims and the previous remarks, independent Claims 8, 10, 16, 18, and 36 and the claims dependent therefrom are allowable. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejections of the Claims and issuance of a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,


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